

Montana Water Court  
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**FILED**  
04/03/2023  
Sara Calkins  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: D'Ann CIGLER  
43B-1105-R-2021  
Stern, Anika  
49.00

MONTANA WATER COURT, YELLOWSTONE DIVISION  
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN  
BASIN 43B  
PRELIMINARY DECREE

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CLAIMANT: H W Burns Family, LLC

OBJECTORS: H W Burns Family, LLC; United States of  
America (Department of Agriculture Forest  
Service)

NOTICE OF INTENT TO APPEAR: Jon A. Grosfield;  
Marilyn W. Grosfield

**CASE 43B-1105-R-2021**

43B 6986-00	43B 7002-00
43B 6987-00	43B 7016-00
43B 6992-00	43B 7019-00
43B 6993-00	43B 7020-00
43B 6997-00	43B 7021-00
43B 6998-00	43B 7025-00
43B 7001-00	

**NOTICE OF FILING OF MASTER'S REPORT**

This Master's Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

## **MASTER'S REPORT**

### **FINDINGS OF FACT**

1. HW Burns Family, LLC (HW Burns) is the record owner of claims 43B 6986-00, 43B 6987-00, 43B 6992-00, 43B 6993-00, 43B 6997-00, 43B 6998-00, 43B 7001-00, 43B 7002-00, 43B 7016-00, 43B 7019-00, 43B 7020-00, 43B 7021-00, and 43B 7025-00.

2. Most of the claims in this Case were decreed with DNRC issue remarks.

3. HW Burns filed self-objections to claims 43B 6986-00, 43B 6987-00, 43B 6992-00, 43B 6993-00, 43B 6997-00, 43B 6998-00, 43B 7001-00, 43B 7002-00, and 43B 7020-00; the United States of America (Forest Service) objected to claim 43B 7002-00. Jon A. Grosfield filed Notices of Intent to Appear for claims 43B 6987-00, 43B 6993-00, 43B 6997-00, 43B 6998-00, 43B 7001-00, 43B 7002-00, 43B 7016-00, 43B 7019-00, 43B 7020-00, 43B 7021-00, and 43B 7025-00; Marilyn Grosfield filed Notices of Intent to Appear for claims 43B 6993-00, 43B 6997-00, 43B 6998-00, 43B 7001-00, 43B 7002-00, 43B 7016-00, 43B 7019-00, 43B 7020-00, 43B 7021-00, and 43B 7025-00.

4. On October 12, 2022, HW Burns filed a Motion to Amend Stockwater Claims 43B 6986-00, 43B 6987-00, 43B 6992-00, 43B 6993-00, 43B 6997-00, 43B 6998-00 and 43B 7001-00, Affidavits, maps, and other exhibits were attached. (Docs. 20.00 through 23.00)<sup>1</sup> The October 12, 2022 filings explicitly withdrew the HW Burns Objection to claim 43B 6992-00 and proposed various changes to the other HW Burns stock water claims.

5. On October 12, 2022, HW Burns and the Forest Service filed a Stipulation resolving the Forest Service's Objection to claim 43B 7002-00. (Doc. 18.00) The parties agreed federal land should be removed from the claim by removing place of use no. 4 (SWSESE of Section 27). The Stipulation specified that it did *not* resolve HW Burns' Objection to claim 43B 7002-00.

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<sup>1</sup> "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

6. On November 14, 2022, HW Burns filed a Withdrawal of Objection to claim 43B 7020-00. (Doc. 26.00) On its face, the Withdrawal appeared to be unconditional, however, HW Burns included language that made this Water Master question the Withdrawal, specifically:

However, Burns would point out that 43B 7020-00, which has no issue remarks, does utilize the same ditches as 43B 7019-00, 43B 7021-00 and 43B 7025-00, to which DNRC had issue remarks regarding ditch names. The ditch names should be consistent across those four water rights as the ditches utilized are the same.

7. On November 14, 2022, Marilyn Grosfield filed a Status Report and Proposed Scheduling Order. (Doc. 25.00) According to the Status Report, Marilyn Grosfield's Notices of Intent to Appear for claims 43B 6987-00, 43B 6993-00, 43B 6997-00, 43B 6998-00, 43B 7001-00, 43B 7019-00, 43B 7021-00, and 43B 7025-00 were previously resolved. This Water Master reviewed the record and did not find confirmation of resolution of Marilyn Grosfield's Notices of Intent to Appear for claims 43B 6987-00, 43B 6993-00, 43B 6997-00, 43B 6998-00, 43B 7001-00, 43B 7019-00, 43B 7021-00, and 43B 7025-00. On November 14, 2022, Marilyn Grosfield filed a Supplemental Status Report indicating the Notice of Intent to Appear for claim 43B 7020-00 is resolved. (Doc. 27.00)

8. On November 21, 2022, an Order on Status of Case and Order Setting Filing Deadline was issued. (Doc. 28.00) The Order set a deadline for HW Burns to address numerous outstanding concerns; a deadline was set for Marilyn Grosfield to confirm that the Notice of Intent to Appear concerns for claims 43B 6987-00, 43B 6993-00, 43B 6997-00, 43B 6998-00, 43B 7001-00, 43B 7019-00, 43B 7021-00, and 43B 7025-00 have been resolved, and to address the Notice of Intent to Appear for claim 43B 7002-00; and a deadline was set for Jon A. Grosfield to indicate how he wishes to address his Notices of Intent to Appear.

9. HW Burns filed a statement on December 27, 2022 describing extensive changes to claim 43B 7002-00 to resolve the self-Objection. (Doc. 30.00) The filing included several exhibits supporting the proposed changes.

10. On January 9, 2023, HW Burns responded to this Master's Order; the filing included new proposed abstracts. (Doc. 33.00)<sup>2</sup>

The Response confirmed that the source name for claim 43B 6993-00 should be "Spring, Unnamed Tributary of Little Timber Creek." The filing confirmed that the source name for claim 43B 6993-00 should *not* include reference to "South Fork" as previously noted.

The January 9, 2023 HW Burns Filing confirmed the remark decreed on claim 43B 7016-00 should reference claim 43B 7016-00, *not* claim 43B 7616-00.

Burns also confirmed that implementation of "Burns' Motion to Amend their stockwater claims ... would constitute a withdrawal of HW Burns self-objections to the stockwater claims."

11. Marilyn Grosfield confirmed her Notices of Intent to Appear for claims 43B 6987-00, 43B 6993-00, 43B 6997-00, 43B 6998-00, 43B 7001-00, 43B 7019-00, 43B 7020-00, 43B 7021-00, and 43B 7025-00 have been resolved. (Doc. 32.00) According to her January 9, 2022 filings, Marilyn Grosfield still had outstanding concerns regarding claim 43B 7002-00 and 43B 7016-00.

12. On January 9, 2023, John Grosfield filed the following Statement:

Without conceding that the factual and legal issues associated with the listed water rights have been properly resolved, or that the statements in HW Burns Family, LLC's various filings are correct and accurate, as long as no additional changes are made the elements of the water rights beyond what is listed in the November Order, Jon Grosfield's Notices of Intent to Appear are resolved and they may be dismissed in the Master's Report and Final Order from the Water Court.

(Doc. 31.00) The January 9, 2023 Jon A. Grosfield Response does not appear to contemplate HW Burns' December 27, 2022 filing.

13. HW Burns indicated an interest in standardizing the ditch names on more than one instance. However, upon comparing various HW Burns filings, HW Burns' difficulty in standardizing the ditch names became evident.

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<sup>2</sup> In this Case, HW Burns has filed each attachment as a separate filing, creating separate docket entries for each attachment. On January 9, 2023, the Water Court staff combined all HW Burns' filing into a single docket entry with various sub-parts.

14. Another Order Setting Filing Deadline was issued on January 18, 2023. (Doc. 34.00) The Order set a deadline for HW Burns to file information requesting the following:

- Clarify that the source name for claim 43B 6997-00 is “Spring, Unnamed Tributary of Little Timber Creek.” If nothing is filed by the deadline, this Water Master will conclude the source name for claim 43B 6997-00 is “Spring, Unnamed Tributary of Little Timber Creek.
- File proposed abstracts, standardizing ditch names, for claims 43B 7019-00, 43B 7020-00, 43B 7021-00, and 43B 7025-00. If nothing is filed by the deadline, the abstracts will remain as they are in the record. This Water Master recommends HW Burns contacts, and works with, DNRC.

The Order also set a deadline for HW Burns, Marilyn Grosfield, and Jon Grosfield to file settlement documents addressing the unresolved Notices of Intent to Appear, or a combined proposed scheduling order.

15. On March 17, 2023, HW Burns filed its Response addressing the outstanding issues in the Case, along with proposed abstracts, exhibits, and Affidavits. (Doc. 36.00 through Doc. 47.00)

16. On March 17, 2023, Jon Grosfield withdrew his Notices of Intent to Appear. (Doc. 35.00)

17. On March 30, 2023, Marilyn Grosfield indicated all the Notices of Intent to Appear she filed are withdrawn. (Doc. 48.00)

18. Pursuant to the record, the following legal land description change should be made for the point of diversion and reservoir for claim 43B 6986-00:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	W2NWSE	SWNWSE	1	1N	13E	SWEET GRASS

19. Pursuant to the record, the following changes should be made to claim 43B 6987-00:

Flow Rate: 10.00 25.00-GPM

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	NENESW	SESENW	26	3N	12E	SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK-DIRECT FROM SOURCE PIPELINE

THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESW	SESENW	26	3N	12E	SWEET GRASS

20. Pursuant to the record, the following changes should be made to claim 43B 6993-00:

Flow Rate: 15.00 GPM A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNESE	2	1N	13E	SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Please add second POD:  
2 SWNESE 2 1N 13E SWEET GRASS  
Period of Diversion: January 1 to December 31  
Diversion Means: PIPELINE  
Please add CMDI remark: THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

21. Pursuant to the record, the following changes should be made to claim 43B 6997-00:

Flow Rate: 15.00 GPM A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	29	2N	13E	SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE PIPELINE

THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

22. Pursuant to the record, the following changes should be made to claim 43B 6998-00:

Flow Rate: 20.00 GPM A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENESE	36	3N	12E	SWEET GRASS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Please add second POD:  
 2                                      SENENE    36    3N    13E    SWEET GRASS  
    Period of Diversion:    January 1 to December 31  
    Diversion Means:            PIPELINE  
  
 Please add CMDI remark: THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENENE	36	3N	12E	SWEET GRASS
Re 2			SWSWNW	31	3N	12E	SWEET GRASS

23. Pursuant to the record, the following changes should be made to claim 43B 7001-00:

Flow Rate: 25.00 GPM A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWNE	35	2N	13E	SWEET GRASS

Period of Diversion:    JANUARY 1 TO DECEMBER 31  
 Diversion Means:        LIVESTOCK DIRECT FROM SOURCE PIPELINE  
THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

24. Claim 43B 7002-00 should be modified as shown in the December 27, 2022 HW Burns filing. (Doc. 30.00)

25. The information remark decreed on claim 43B 7016-00 should be modified to reference claim 43B 7016-00, not 43B 7616-00.

26. Pursuant to the record, the following changes should be made to claim 43B 7019-00:

\*Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	25	2N	13E	SWEET GRASS

Period of Diversion:    JANUARY 1 TO DECEMBER 31  
 Diversion Means:        HEADGATE  
 Ditch Name:              ARNESON (BURNS) DITCH ARNESON BURNS (UPPER BULL PASTURE) DITCH

2		NWNWNE	25	2N	13E	SWEET GRASS
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Period of Diversion:    JANUARY 1 TO DECEMBER 31  
 Diversion Means:        HEADGATE  
 Ditch Name:              BURNS DITCH BURNS (UPPER MEADOW) DITCH

3		NENENE	25	2N	13E	SWEET GRASS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	<del>ARNESON (BURNS) DITCH</del>		ARNESON (BURNS MIDDLE MEADOW) DITCH			
4		SESENE	30	2N	14E	SWEET GRASS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	<del>BURNS DITCH</del>		BURNS (UPPER HULTS) DITCH			
5		SESENW	29	2N	14E	SWEET GRASS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	<del>BURNS DITCH</del>		BURNS (LOWER HULTS) DITCH			
6		NESWNE	30	2N	14E	SWEET GRASS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	<del>BURNS DITCH</del>		BURNS (LAKE) DITCH			
7		SWNENW	30	2N	14E	SWEET GRASS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	<del>BURNS DITCH</del>		BURNS (LOWER ARNESON/BULL PASTURE) DITCH			
8		SENWNW	30	2N	14E	SWEET GRASS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	<del>BURNS DITCH</del>		BURNS (LOWER MEADOW) DITCH			

27. Pursuant to the record, the following changes should be made to claim 43B 7020-00:

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	25	2N	13E	SWEET GRASS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	<del>ARNESON (BURNS) DITCH</del>		ARNESON (BURNS UPPER BULL PASTURE) DITCH			
2		SENWNW	30	2N	14E	SWEET GRASS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	<del>BURNS DITCH</del>		BURNS (LOWER MEADOW) DITCH			
3		SWNENW	30	2N	14E	SWEET GRASS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	<del>BURNS DITCH</del>		BURNS (LOWER ARNESON/BULL PASTURE) DITCH			
4		NWNWNE	25	2N	13E	SWEET GRASS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	HEADGATE					
Ditch Name:	<del>BURNS DITCH</del>		BURNS (UPPER MEADOW) DITCH			
5		NENENE	25	2N	13E	SWEET GRASS
Period of Diversion:	JANUARY 1 TO DECEMBER 31					



Diversion Means: HEADGATE  
 Ditch Name: ~~ARNESON (BURNS) DITCH~~ ARNESON (BURNS MIDDLE MEADOW) DITCH  
 6 SESENE 30 2N 13E SWEET GRASS  
 Period of Diversion: JANUARY 1 TO DECEMBER 31  
 Diversion Means: HEADGATE  
 Ditch Name: ~~BURNS DITCH~~ BURNS (UPPER HULTS) DITCH  
 7 NESWNE 30 2N 14E SWEET GRASS  
 Period of Diversion: JANUARY 1 TO DECEMBER 31  
 Diversion Means: HEADGATE  
 Ditch Name: ~~BURNS DITCH~~ BURNS (LAKE) DITCH  
 8 SESENE 29 2N 14E SWEET GRASS  
 Period of Diversion: JANUARY 1 TO DECEMBER 31  
 Diversion Means: HEADGATE  
 Ditch Name: ~~BURNS DITCH~~ BURNS (LOWER HULTS) DITCH

28. Pursuant to the record, the following changes should be made to claims 43B 7021-00 and 43B 7025-00:

**\*Point of Diversion and Means of Diversion:**

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NENENE	25	2N	13E	SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: HEADGATE						
Ditch Name: <del>ARNESON (BURNS) DITCH</del> <span style="border: 1px solid red;">ARNESON (BURNS UPPER BULL PASTURE) DITCH</span>						
2		SENWNW	30	2N	14E	SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: HEADGATE						
Ditch Name: <del>BURNS DITCH</del> <span style="border: 1px solid red;">BURNS (LOWER MEADOW) DITCH</span>						
3		SWNENW	30	2N	14E	SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: HEADGATE						
Ditch Name: <del>ARNESON (BURNS) DITCH</del> <span style="border: 1px solid red;">BURNS (LOWER ARNESON/BULL PASTURE) DITCH</span>						
4		NWNWNE	25	2N	13E	SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: HEADGATE						
Ditch Name: <del>BURNS DITCH</del> <span style="border: 1px solid red;">BURNS (UPPER MEADOW) DITCH</span>						
5		NENENE	25	2N	13E	SWEET GRASS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: HEADGATE						
Ditch Name: <del>ARNESON (BURNS) DITCH</del> <span style="border: 1px solid red;">ARNESON (BURNS MIDDLE MEADOW) DITCH</span>						
6		SESENE	30	2N <span style="border: 1px solid red;">14E</span> <del>13E</del>		SWEET GRASS
*Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: HEADGATE						
Ditch Name: <del>BURNS DITCH</del> <span style="border: 1px solid red;">BURNS (UPPER HULTS) DITCH</span>						
7		NESWNE	30	2N	14E	SWEET GRASS
*Period of Diversion: JANUARY 1 TO DECEMBER 31						
Diversion Means: HEADGATE						
Ditch Name: <del>BURNS DITCH</del> <span style="border: 1px solid red;">BURNS (LAKE) DITCH</span>						

8 SESENW 29 2N 14E SWEET GRASS  
\*Period of Diversion: JANUARY 1 TO DECEMBER 31  
Diversion Means: HEADGATE  
Ditch Name: BURNS DITCH BURNS (LOWER HULTS) DITCH

### PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court is required to address all issue remarks that decreed on a claim as well as all objections the claim receives. Sections 85-2-233, 85-2-247, and 85-2-248, MCA. The issue remarks decreed on the claims in this Case have been addressed, and the Objections and Notices of Intent to Appear have been resolved.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

3. The notice issue remarks decreed on some of the claims in this Case have served their purpose. As all Objections have been resolved, no further proceedings are required.

### RECOMMENDATIONS

1. The claims in Case 43B-1105-R-2021 should be modified as shown in Findings of Fact Nos. 18 through 28 and on the attached Post Decree Abstracts, consistent with the record in this Case.

2. The issue remarks should be removed from all claims in Case 43B-1105-R-2021.

Post Decree Abstracts of Water Right Claims are served with the Report for review.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

**Service Via Electronic Mail:**

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**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 6986-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** H W BURNS FAMILY LLC  
PO BOX 1510  
BIG TIMBER, MT 59011 1510

**Priority Date:** DECEMBER 21, 1961

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name** FEATHERBED CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		W2NWSE	1	1N	13E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	W2NWSE	1	1N	13E	SWEET GRASS

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET

**Surface Area:** 0.33 ACRES

**Capacity:** 1.32 ACRE-FEET

SEE THE RESERVOIR WORKSHEET IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				1	1N	13E	SWEET GRASS

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 6987-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** H W BURNS FAMILY LLC  
PO BOX 1510  
BIG TIMBER, MT 59011 1510

**Priority Date:** DECEMBER 21, 1961

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** 10.00 GPM

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name** SPRING, UNNAMED TRIBUTARY OF SWAMP CREEK

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESW	26	3N	12E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PIPELINE

THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENESW	26	3N	12E	SWEET GRASS

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 6992-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** H W BURNS FAMILY LLC  
PO BOX 1510  
BIG TIMBER, MT 59011 1510

**Priority Date:** AUGUST 1, 1950

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name** SPRING, UNNAMED TRIBUTARY OF BIG TIMBER CREEK, SOUTH FORK

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESESE	31	3N	13E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESESE	31	3N	13E	SWEET GRASS

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 6993-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** H W BURNS FAMILY LLC  
PO BOX 1510  
BIG TIMBER, MT 59011 1510

**Priority Date:** AUGUST 1, 1950

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** 15.00 GPM

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name** SPRING, UNNAMED TRIBUTARY OF LITTLE TIMBER CREEK

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNESE	2	1N	13E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

2		SWNESE	2	1N	13E	SWEET GRASS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PIPELINE

THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWNESE	2	1N	13E	SWEET GRASS

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 6997-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** H W BURNS FAMILY LLC  
PO BOX 1510  
BIG TIMBER, MT 59011 1510

**Priority Date:** AUGUST 1, 1950

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** 15.00 GPM

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name** SPRING, UNNAMED TRIBUTARY OF LITTLE TIMBER CREEK

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	29	2N	13E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PIPELINE

THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENESE	29	2N	13E	SWEET GRASS



**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 6998-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** H W BURNS FAMILY LLC  
PO BOX 1510  
BIG TIMBER, MT 59011 1510

**Priority Date:** AUGUST 1, 1950

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** 20.00 GPM

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name** SPRING, UNNAMED TRIBUTARY OF SWAMP CREEK

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	36	3N	12E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** LIVESTOCK DIRECT FROM SOURCE

2		SENE	36	3N	13E	SWEET GRASS
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**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PIPELINE

THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENE	36	3N	12E	SWEET GRASS
2			SWSNW	31	3N	12E	SWEET GRASS

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 7001-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** H W BURNS FAMILY LLC  
PO BOX 1510  
BIG TIMBER, MT 59011 1510

**Priority Date:** AUGUST 1, 1950

**Type of Historical Right:** FILED

**Purpose (use):** STOCK

**Flow Rate:** 25.00 GPM

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name** SPRING, UNNAMED TRIBUTARY OF WHITETAIL CREEK

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWNE	35	2N	13E	SWEET GRASS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PIPELINE

THE MEANS OF DIVERSION INCLUDES STOCK TANKS.

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESWNE	35	2N	13E	SWEET GRASS

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 7002-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** H W BURNS FAMILY LLC  
PO BOX 1510  
BIG TIMBER, MT 59011 1510

**Priority Date:** MAY 10, 1918

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 38.65 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 4 - MODERATELY LOW

**Maximum Acres:** 1,524.00

**Source Name** SWAMP CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWNE	35	3N	12E	SWEET GRASS
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	BURNS DITCH					
2		SESWNE	35	3N	12E	SWEET GRASS
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	BURNS DITCH					
3		NWNWSW	36	3N	12E	SWEET GRASS
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	ARNESON DITCH					
4		SESWNW	35	3N	12E	SWEET GRASS
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	BURNS DITCH					
5		SEWNNE	35	3N	12E	SWEET GRASS
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					

<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	BURNS DITCH					
6	SESESE	36	3N	12E	SWEET GRASS	
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	JOHNSON DITCH					
7	NWNWNW	6	2N	13E	SWEET GRASS	
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	JOHNSON DITCH					
8	NENENE	25	2N	13E	SWEET GRASS	
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	ARNESON (BURNS) DITCH (UPPER BULL PASTURE DITCH)					
9	SENWNW	30	2N	14E	SWEET GRASS	
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	BURNS DITCH (LOWER MEADOW DITCH)					
10	SWNENW	30	2N	14E	SWEET GRASS	
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	BURNS DITCH (LOWER ARNESON/BULL PASTURE DITCH)					
11	NWNWNE	25	2N	13E	SWEET GRASS	
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	BURNS DITCH (UPPER MEADOW DITCH)					
12	NENENE	25	2N	13E	SWEET GRASS	
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	ARNESON (BURNS) DITCH (MIDDLE MEADOW DITCH)					
13	SESENE	30	2N	14E	SWEET GRASS	
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	BURNS DITCH (UPPER HULTS DITCH)					
14	NESWNE	30	2N	14E	SWEET GRASS	
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					
<b>Ditch Name:</b>	BURNS DITCH (LAKE DITCH)					
15	SESENW	29	2N	14E	SWEET GRASS	
<b>Period of Diversion:</b>	APRIL 1 TO NOVEMBER 1					
<b>Diversion Means:</b>	HEADGATE					

**Ditch Name:** BURNS DITCH (LOWER HULTS DITCH)  
**Period of Use:** APRIL 1 TO NOVEMBER 1  
**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00		E2NE	35	3N	12E	SWEET GRASS
2	13.00		SW	36	3N	12E	SWEET GRASS
3	20.00		SW	31	3N	13E	SWEET GRASS
4	80.00		NW	6	2N	13E	SWEET GRASS
5	111.00		SE	36	3N	12E	SWEET GRASS
6	14.00		NE	36	3N	12E	SWEET GRASS
7	55.00		NE	6	2N	13E	SWEET GRASS
8	30.00		SE	6	2N	13E	SWEET GRASS
9	60.00		NW	35	3N	12E	SWEET GRASS
10	33.00		SE	35	3N	12E	SWEET GRASS
11	50.00		NE	31	2N	14E	SWEET GRASS
12	185.00		S2	19	2N	14E	SWEET GRASS
13	28.00		S2SW	20	2N	14E	SWEET GRASS
14	130.00		NW	29	2N	14E	SWEET GRASS
15	120.00		NW	30	2N	14E	SWEET GRASS
16	130.00		SW	29	2N	14E	SWEET GRASS
17	120.00		NE	29	2N	14E	SWEET GRASS
18	85.00		SE	29	2N	14E	SWEET GRASS
19	40.00		SW	30	2N	14E	SWEET GRASS
20	120.00		NE	30	2N	14E	SWEET GRASS
21	80.00		SE	30	2N	14E	SWEET GRASS
<b>Total:</b>		1524.00					

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

7002-00	7003-00	7005-00	7006-00	7017-00	7018-00
7019-00	7020-00	7021-00	7022-00	7024-00	7025-00

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 7016-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** H W BURNS FAMILY LLC  
PO BOX 1510  
BIG TIMBER, MT 59011 1510

**Priority Date:** DECEMBER 31, 1892

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 5.00 CFS

**Volume:** 93.00 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 143.00

**Source Name** SWAMP CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWNE	30	2N	14E	SWEET GRASS

**\*Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** HEADGATE

**Ditch Name:** BURNS DITCH

**Reservoir:** OFFSTREAM **Reservoir Name:** BURNS RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	E2E2SE	30	2N	14E	SWEET GRASS

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET

**Surface Area:** 26.00 ACRES

**Capacity:** 104.00 ACRE-FEET

**\*Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	21.00		S2S2NW	29	2N	14E	SWEET GRASS
2	62.00		SE	29	2N	14E	SWEET GRASS
3	35.00		SW	29	2N	14E	SWEET GRASS

4	25.00	S2S2NE	29	2N	14E	SWEET GRASS
<b>Total:</b>	143.00					

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**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

7003-00	7005-00	7016-00	7019-00	7020-00	7021-00
7022-00	7025-00				

CLAIM NO. 43B 7016-00 IS A 26.00 ACRE STORAGE LAKE OR RESERVOIR LOCATED ON THE EAST HALF OF SECTION 30 TOWNSHIP 02 NORTH RANGE 14 EAST IN SWEET GRASS COUNTY AND STORES SURFACE WATER FROM SWAMP CREEK DURING WINTER AND EARLY MONTHS OF THE YEAR AND IS SUBJECT TO THE PROVISION SET FORTH IN FINDING OF FACT NO. X IN CAUSE NO. 3055 FILED IN SWEET GRASS COUNTY DISTRICT COURT ENTITLED BIG TIMBER CREEK CANAL COMPANY ET AL, DATED JUNE 1, 1976, WHICH READS AS FOLLOWS: THAT ROBERT BURNS, ONE OF THE ANSWERING DEFENDANTS, OWNS AND MAINTAINS A 26.00 ACRE STORAGE LAKE UPON HIS LAND SITUATE IN THE EAST HALF OF SECTION 30, TOWNSHIP 02 NORTH, RANGE 14 EAST , M.P.M. WHEREIN 93.00 ACRE FEET OF SURPLUS WATERS HAVE BEEN CONTINUOUSLY STORED IN THE WINTER AND EARLY MONTHS OF EACH YEAR SINCE 1892; THAT ROBERT BURNS AND HIS PREDECESSORS HAVE STORED NO SURPLUS WATERS AND HAVE NO RIGHT TO DIVERT OR STORE SURPLUS WATERS THEREIN DURING THOSE TIMES OF YEAR WHEN ANY OF THE HEREINABOVE DECREED USERS (AND DECREED PRIOR HERETO) HAVE USE FOR SUCH SURPLUS IRRIGATION WATERS OF BIG TIMBER CREEK AND ITS TRIBUTARIES.

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 7019-00 STATEMENT OF CLAIM  
**Version:** 5 -- POST DECREE  
**Status:** ACTIVE

**Owners:** H W BURNS FAMILY LLC  
PO BOX 1510  
BIG TIMBER, MT 59011 1510

**Priority Date:** JUNE 1, 1891

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.50 CFS

**\*Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 1,088.00

**\*Source Name** SWAMP CREEK

**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	25	2N	13E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> ARNESON BURNS (UPPER BULL PASTURE) DITCH						
2		NWNWNE	25	2N	13E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> BURNS (UPPER MEADOW) DITCH						
3		NENENE	25	2N	13E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> ARNESON (BURNS MIDDLE MEADOW) DITCH						
4		SESENE	30	2N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> BURNS (UPPER HULTS) DITCH						
5		SESENW	29	2N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						



**Diversion Means:** HEADGATE  
**Ditch Name:** BURNS (LOWER HULTS) DITCH  
6 NESWNE 30 2N 14E SWEET GRASS  
**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BURNS (LAKE) DITCH  
7 SWNENW 30 2N 14E SWEET GRASS  
**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BURNS (LOWER ARNESON/BULL PASTURE) DITCH  
8 SENWNW 30 2N 14E SWEET GRASS  
**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BURNS (LOWER MEADOW) DITCH  
**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	50.00		NE	31	2N	14E	SWEET GRASS
2	185.00		S2	19	2N	14E	SWEET GRASS
3	28.00		S2SW	20	2N	14E	SWEET GRASS
4	130.00		NW	29	2N	14E	SWEET GRASS
5	120.00		NW	30	2N	14E	SWEET GRASS
6	130.00		SW	29	2N	14E	SWEET GRASS
7	120.00		NE	29	2N	14E	SWEET GRASS
8	85.00		SE	29	2N	14E	SWEET GRASS
9	40.00		SW	30	2N	14E	SWEET GRASS
10	120.00		NE	30	2N	14E	SWEET GRASS
11	80.00		SE	30	2N	14E	SWEET GRASS
<b>Total:</b>	<b>1088.00</b>						

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

7002-00	7003-00	7005-00	7006-00	7017-00	7018-00
7019-00	7020-00	7021-00	7022-00	7024-00	7025-00

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

7003-00	7005-00	7016-00	7019-00	7020-00	7021-00
7022-00	7025-00				

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ENTERED OCTOBER 2, 2008. SEE WATER COURT CASE FILE 43B-A2.

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 7020-00 STATEMENT OF CLAIM  
**Version:** 4 -- POST DECREE  
**Status:** ACTIVE

**Owners:** H W BURNS FAMILY LLC  
PO BOX 1510  
BIG TIMBER, MT 59011 1510

**Priority Date:** APRIL 1, 1880

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 11.65 CFS

**\*Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 1,088.00

**\*Source Name** SWAMP CREEK

**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	25	2N	13E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> ARNESON (BURNS UPPER BULL PASTURE) DITCH						
2		SENWNW	30	2N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> BURNS (LOWER MEADOW) DITCH						
3		SWNENW	30	2N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> BURNS (LOWER ARNESON/BULL PASTURE) DITCH						
4		NWNWNE	25	2N	13E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> BURNS (UPPER MEADOW) DITCH						
5		NENENE	25	2N	13E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						

**Diversion Means:** HEADGATE  
**Ditch Name:** ARNESON (BURNS MIDDLE MEADOW) DITCH  
6 SESENE 30 2N 13E SWEET GRASS  
**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BURNS (UPPER HULTS) DITCH  
7 NESWNE 30 2N 14E SWEET GRASS  
**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BURNS (LAKE) DITCH  
8 SESENW 29 2N 14E SWEET GRASS  
**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BURNS (LOWER HULTS) DITCH  
**Period of Use:** JANUARY 1 TO DECEMBER 31  
**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	50.00		NE	31	2N	14E	SWEET GRASS
2	185.00		S2	19	2N	14E	SWEET GRASS
3	28.00		S2SW	20	2N	14E	SWEET GRASS
4	130.00		NW	29	2N	14E	SWEET GRASS
5	120.00		NW	30	2N	14E	SWEET GRASS
6	130.00		SW	29	2N	14E	SWEET GRASS
7	120.00		NE	29	2N	14E	SWEET GRASS
8	85.00		SE	29	2N	14E	SWEET GRASS
9	40.00		SW	30	2N	14E	SWEET GRASS
10	120.00		NE	30	2N	14E	SWEET GRASS
11	80.00		SE	30	2N	14E	SWEET GRASS
<b>Total:</b>	<b>1088.00</b>						

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

7002-00	7003-00	7005-00	7006-00	7017-00	7018-00
7019-00	7020-00	7021-00	7022-00	7024-00	7025-00

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

7003-00	7005-00	7016-00	7019-00	7020-00	7021-00
7022-00	7025-00				

AUTHORIZATION TO CHANGE THE POINT OF DIVERSION COMPLETED 02/24/1988. FILE REFLECTS RIGHT AS IT EXISTED PRIOR TO JULY, 1973. APPROVED CHANGES WILL BE RECORDED AFTER FINAL DECREE.

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ENTERED OCTOBER 2, 2008. SEE WATER COURT CASE  
FILE 43B-A2.

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 7021-00 STATEMENT OF CLAIM  
**Version:** 4 -- POST DECREE  
**Status:** ACTIVE

**Owners:** H W BURNS FAMILY LLC  
PO BOX 1510  
BIG TIMBER, MT 59011 1510

**Priority Date:** JULY 1, 1893

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION

**Irrigation Type:** FLOOD

**Flow Rate:** 1.00 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 1,088.00

**\*Source Name** SWAMP CREEK

**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	25	2N	13E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> ARNESON (BURNS UPPER BULL PASTURE) DITCH						
2		SENWNW	30	2N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> BURNS (LOWER MEADOW) DITCH						
3		SWNENW	30	2N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> BURNS (LOWER ARNESON/BULL PASTURE) DITCH						
4		NWNWNE	25	2N	13E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> BURNS (UPPER MEADOW) DITCH						
5		NENENE	25	2N	13E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						

**Diversion Means:** HEADGATE  
**Ditch Name:** ARNESON (BURNS MIDDLE MEADOW) DITCH  
6 SESENE 30 2N 14E SWEET GRASS  
**\*Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BURNS (UPPER HULTS) DITCH  
7 NESWNE 30 2N 14E SWEET GRASS  
**\*Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BURNS (LAKE) DITCH  
8 SESENW 29 2N 14E SWEET GRASS  
**\*Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BURNS (LOWER HULTS) DITCH  
**Period of Use:** JANUARY 1 TO DECEMBER 31  
**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	50.00		NE	31	2N	14E	SWEET GRASS
2	185.00		S2	19	2N	14E	SWEET GRASS
3	28.00		NW	20	2N	14E	SWEET GRASS
4	130.00		NW	29	2N	14E	SWEET GRASS
5	120.00			30	2N	14E	SWEET GRASS
6	130.00		SW	29	2N	14E	SWEET GRASS
7	120.00		NE	29	2N	14E	SWEET GRASS
8	85.00		SE	29	2N	14E	SWEET GRASS
9	40.00		SW	30	2N	14E	SWEET GRASS
10	120.00		NE	30	2N	14E	SWEET GRASS
11	80.00		SE	30	2N	14E	SWEET GRASS
<b>Total:</b>	<b>1088.00</b>						

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

7002-00	7003-00	7005-00	7006-00	7017-00	7018-00
7019-00	7020-00	7021-00	7022-00	7024-00	7025-00

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

7003-00	7005-00	7016-00	7019-00	7020-00	7021-00
7022-00	7025-00				

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ENTERED OCTOBER 2, 2008. SEE WATER COURT CASE FILE 43B-A2.

**WATER COURT**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK**  
**BASIN 43B**

**Water Right Number:** 43B 7025-00 STATEMENT OF CLAIM  
**Version:** 4 -- POST DECREE  
**Status:** ACTIVE

**Owners:** H W BURNS FAMILY LLC  
PO BOX 1510  
BIG TIMBER, MT 59011 1510

**Priority Date:** SEPTEMBER 14, 1889

**Type of Historical Right:** DECREED

**Purpose (use):** IRRIGATION  
**Irrigation Type:** FLOOD

**Flow Rate:** 2.50 CFS

**Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 1,088.00

**\*Source Name** SWAMP CREEK  
**Source Type:** SURFACE WATER

**\*Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENE	25	2N	13E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> ARNESON (BURNS UPPER BULL PASTURE) DITCH						
2		SENWNW	30	2N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> BURNS (LOWER MEADOW) DITCH						
3		SWNENW	30	2N	14E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> BURNS (LOWER ARNESON/BULL PASTURE) DITCH						
4		NWNWNE	25	2N	13E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> HEADGATE						
<b>Ditch Name:</b> BURNS (UPPER MEADOW) DITCH						
5		NENENE	25	2N	13E	SWEET GRASS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						

**Diversion Means:** HEADGATE  
**Ditch Name:** ARNESON (BURNS MIDDLE MEADOW) DITCH  
6 SESENE 30 2N 14E SWEET GRASS  
**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BURNS (UPPER HULTS) DITCH  
7 NESWNE 30 2N 14E SWEET GRASS  
**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BURNS (LAKE) DITCH  
8 SESENW 29 2N 14E SWEET GRASS  
**Period of Diversion:** JANUARY 1 TO DECEMBER 31  
**Diversion Means:** HEADGATE  
**Ditch Name:** BURNS (LOWER HULTS) DITCH  
**Period of Use:** JANUARY 1 TO DECEMBER 31  
**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	185.00		S2	19	2N	14E	SWEET GRASS
2	28.00		S2SW	20	2N	14E	SWEET GRASS
3	120.00		NW	30	2N	14E	SWEET GRASS
4	50.00		NE	31	2N	14E	SWEET GRASS
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10	120.00		NE	30	2N	14E	SWEET GRASS
11	80.00		SE	30	2N	14E	SWEET GRASS
<b>Total:</b>	<b>1088.00</b>						

**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

7002-00	7003-00	7005-00	7006-00	7017-00	7018-00
7019-00	7020-00	7021-00	7022-00	7024-00	7025-00

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

7003-00	7005-00	7016-00	7019-00	7020-00	7021-00
7022-00	7025-00				

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT ENTERED OCTOBER 2, 2008. SEE WATER COURT CASE FILE 43B-A2.